



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,196	08/21/2003	Donald E. Weder	8403.950	7086

30589 7590 02/03/2005

DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY, OK 73113

EXAMINER

GELLNER, JEFFREY L

ART UNIT PAPER NUMBER

3643

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,196

Applicant(s)

WEDER, DONALD E.

Examiner

Jeffrey L. Gellner

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 19-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/28/04; 8/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species I (Figs. 13-16) in the reply filed on 15 November 2004 is acknowledged. Claims 19-50 are withdrawn from examination by the Applicant in the reply filed 15 November 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, 10, and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by Sherwood (US 4,417,609).

As to Claim 1, Sherwood discloses a decorative wrapper comprising a sheet of material (40 of Fig. 2) with edges, sides, surfaces, and a width, a first extension (2 of Figs. 1 and 2) with sides and a width substantially less than the width of the sheet of material (shown in Fig. 2); a second extension (3 of Figs. 1 and 2) with sides and a width substantially less than the width of the sheet of material (shown in Fig. 2); both first and second extensions attached to the sheet via a seal (col. 4 lines 53-64) having a majority of their facing portions being unattached and their first edges being flush with the edges of the sheets (shown in Fig. 2); the wrapper about an item (from col. 2 lines 29-38) so as to form a decorative cover, the wrapper with a skirt (portion around leadline 42 of Fig. 2) having four upper peripheral edges so as to have the cover the

appearance of two separate sheets (Fig. 2). The cover of Sherwood inherently performs the method steps recited in Fig. 1.

As to claim 2, Sherwood further discloses the edges of the extensions being straight (Fig. 2).

As to claim 3, Sherwood further discloses at least one edge of an extension being non-linear (Fig. 2 when one of the coupons is pulled from the extension).

As to claim 4, Sherwood further discloses the edges of the sheet being straight (Fig. 2).

As to claim 6, Sherwood further discloses the extensions having widths of between 2 and 35% (Fig. 2).

As to claims 8 and 10, Sherwood further discloses the seal being a strip (col. 4 lines 53-64) of adhesive (col. 4 lines 53-64).

As to claim 11, Sherwood further discloses the sheet made of opaque material (know that grocery bags made of brown paper) with the seals not visible (adhesive would not be visible when used).

Claim Rejections - 35 USC §103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sherwood (US 4,417,609).

As to claim 5, the limitations of Claim 1 are disclosed as described above. Not disclosed is at least one of the edges being non-linear. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sheet of Sherwood by making the sheet's edge/edges non-linear so as to meet consumer tastes and demand.

As to claim 7, the limitations of Claim 1 are disclosed as described above. Not disclosed are the seals being discrete areas of connection. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sheet of Sherwood by having the adhesive on the extension in discrete regions so as to save on the use of adhesive.

Claims 12-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sherwood (US 4,417,609) in view of Celtorius et al. (Des. 419,436).

As to claims 12 and 13, the limitations of Claim 1 are disclosed as described above. Not disclosed is the decorative wrapper secured with a string. Celtorius et al., however, discloses a similar decorative wrapper secured by a string. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the sheet of Sherwood by having a securing string as disclosed by Celtorius et al. so as to meet consumer demand.

As to claim 14, the limitations of Claim 1 are disclosed as described above. Not disclosed is the decorative wrapper disposed about a potted plant. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the sheet of Sherwood as modified by Celtorius et al. by disposing a floral grouping in the cover so as to meet consumer demand for potted plants.

As to claim 15, Sherwood as modified by Celtorius et al. further disclose a floral grouping (see Celtrorius et al.) in the decorative wrapper.

As to claim 16-18, the limitations of Claim 1 are disclosed as described above. Not disclosed is disposing a basket, gift item, or bulbs in the decorative wrapper. It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the sheet of Sherwood as modified by Celtorius et al. by disposing either a basket, gift item, or bulbs as to meet consumer demand for their purchases and to find more uses for the decorative wrapper.

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Young et al., Hanson, Brady et al., Cooper, Sherwood ('519), and McLeod disclose in the prior art various decorative wrappers with extensions.

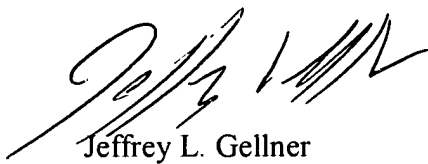
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey L. Gellner whose phone number is 703.305.0053. The Examiner can normally be reached Monday through Thursday from 8:30 am to 4:00 pm. The Examiner can also be reached on alternate Fridays.

Art Unit: 3643

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Peter Poon, can be reached at 703.308.2574. The official fax telephone number for the Technology Center where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

A handwritten signature in black ink, appearing to read 'Jeffrey L. Gellner', with a stylized flourish at the end.

Jeffrey L. Gellner
Primary Examiner